App. F. IX-4

Previous References

193 9-40
(~~Gen~~)
~~Gen~~ S&A.

File No. 332-39
Serial Nos. 10 41

PRESERVED

Later References.
LR. 62·39-1-4.

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Feb 1940

SUBJECT.

Amendments to Reserve Service Regulations

WD 0573—GPB—22,500—12-9-39

2747
H.

Serial No.

Letter no 212 GAD dt 18.1.1940 from the Comptroller re. the interpretation of the term "if he had held the officiating appointment appointment substantively appears in Articles 82(b) and 82(c)(i). M&R.

A draft reply approving of the interpretation given is put up for orders. This interpretation may be considered as equitable but the terms (in the Articles) referred to by the Comptroller also admit of a different interpretation viz starting with calculation of acting allowance during the first year on the minimum pay of the acting post. If considered necessary the interpretation and application of the rules in Madras may be required to be ascertained.

Not necessary AD 8/2/40

M 8.2.40

PS

GOI 8/2

Fwd by

AD 8/2/40

Dewan

MS 9-2-40

AD 9.2.40 gone off 10/2

537

File No. | of 19 | General and Revenue Secretariat.

Serial No.

No. Ft. 5704/ 9/4-2-40. Conveys approval
To the Proposal of the Comptroller.
to, the Comptroller.

B

This should have been registered under S.F.A.

21/2

Receipt due.
Ltr. 24/2.

2747
22

S+A.332-39-10

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 212 GAD Bangalore, Dated 18th January 1939

FINANCIAL SECRETARY 1 GOVT. OF MYSORE

From

M. VIRARAJA URS, Esqr., B.A., B.L.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

A. N. Raghavachar Esq., M.A.,
Financial Secretary to the Government of Mysore,
Bangalore

Sir,

I have the honor to invite reference to this office U.O. reference No.180/GAD dated 17th December 1938 (copy enclosed for ready reference) regarding the admissibility of increment to Mr. L.A.H. Winckler as Offg. Superintending Engineer raising his salary to Rs.900/- from 18-8-38 in the circumstances of the case, and to request that a clear ruling on the interpretation of the term "if he had held the Officiating appointment substantively" appearing in Clause (ii) of Article 82(c) M.S.R. may kindly be given. The tenure of appointment of Mr. Winckler was changed from acting to temporary from 18-8-37 and his initial pay fixed at Rs.850/- in grade Rs.800-50-1000 from 18-8-37 in Government Order No.1636-37 dated 12th January 1939 (Fl.161 dated 16-1-39).

Since cases of the above kind frequently arise, the term "if he had held the officiating appointment substantively" appearing in Articles 82(b) and 82(c)(ii) M.S.R. will be continued to be interpreted to mean that the initial pay on which acting allowance has to be calculated should first be fixed with reference to Art.85 M.S.R. and acting allowance calculated on that pay for the first year and on the next stage pay after the expiry of the period of service required to earn an increment and so on as already explained in the second sentence of para 2 of this office U.O.reference referred to above.

above. I have issued instructions to the several Audit Sections of this office to follow this interpretation in all such cases in future and I request approval of Government to the same.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller (in charge).

CV

U.O.File No.Fl.515A dated 18-11-38 from the Financial Secretary to Government regarding the grant of increment to Mr L.A.H.Winckler, Superintending Engineer

180/GAD dt 16/17-12-38 ---

Returned with compliments.

Acting service counts for increments and in cases of the kind referred to above the salary of the acting officer has to be regulated under Art.82(c) M.S.R. For purposes of determining the pay on which acting allowance has to be calculated in such cases, the term "if he had held the officiating appointment substantively" referred to in Clause (ii) of the Article has been interpreted to mean that the initial pay on which acting allowance has to be calculated should first be fixed at an amount equal to the pay which he would get if he had been confirmed in the Offg. appointment under Art.85 M.S.R. and acting allowance allowed on that pay for the first year and on the next stage pay after the expiry of the period of service required to earn an increment and so on. The term referred to above is also capable of being interpreted to mean that the acting allowance should be calculated on the minimum pay for the first year and on the next stage pay after the expiry of the period of service required to earn an increment and so on. ~~seems nococcary.~~ The Article is however not free from doubt and a clear ruling in this behalf seems necessary.

In the present case, there is no objection to change the tenure of appointment of Mr. Winckler from officiating to temporary Superintending Engineer from 17-8-37.

" Copy "

Superintendent,
G.A.D.
18.1.40. Comptroller's Office.

Appendix F G—1]

SUBJECT..... S+A 332-39

..... 8. 11.

S.A. 332-39

Section S+A.

File No. 332-39

Serial No. 8. 11.

No. 5104

To The Comptroller

Sir

With reference to your letter no G+D 212 D/18.1.1940 I am directed to Communicate approval of Govt. to ~~the interpretation~~ the term "if he had held the officiating appointment substantively" appearing in Articles 82(b) and 82(c)(ii) M&R ~~explained in~~ being interpreted (as proposed in your letter ~~under reference that~~ under reference) to mean that the initial day on which the acting allowance has to be Calculated should first be fixed with reference to Art 85 M&R and acting allowance Calculated on that day for the first year and

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 14/2

Signed by..... Sub. C&R.

List of enclosures..... .....

Copied by .....

Examined by.....

on the next 1st Stage day
after the expiry of the Service
required to earn an increment,
and so on

I have ek.

cpo

8.2.40

Financial Secretary

8.2.40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Fn 5104

Dated, Bangalore, 14th February 1940

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to Government,
Bangalore.

Sir,

With reference to your letter No.G.A.D. 212 dated 18th January 1940, I am directed to communicate approval of Government to the term "if he had held the officiating appointment substantively" appearing in Articles 82 (b) and 82 (c) (ii) Mysore Service Regulations being interpreted (as proposed in your letter under reference) to mean that the initial pay on which the acting allowance has to be calculated should first be fixed with reference to Article 85 Mysore Service Regulations and acting allowance calculated on that pay for the first year and on the next stage pay after the expiry of the service required to earn an increment, and so on.

I have the honour to be,

Sir,

Your most obedient servant,

for Financial Secretary to Government.

13.2.40